



Appeal Decisions

Site visit made on 24 April 2025

by **M. P. Howell BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 JUNE 2025

Appeal A Ref: APP/G5750/C/23/3330053

Land at 223 Shrewsbury Road, Forest Gate, London E7 8QH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Faruk Patel (AIG RE Limited) against an enforcement notice issued by the Council of the London Borough of Newham.
- The notice was issued on 23 August 2023.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use to a *Sui Generis* House in Multiple Occupation (HMO).
- The requirements of the notice are to:
 1. Cease the use as a *Sui Generis* house in multiple occupation.
 2. Remove all fixtures and fittings that solely facilitate the use as a house in multiple occupation, including (but not limited to) all internal locks on bedroom doors and any additional mattresses and beds.
 3. Remove from the site all debris arising from compliance with steps 1 and 2.
- The period for compliance with the requirements is: six (6) months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is dismissed, and the enforcement notice is upheld with a variation.

Appeal B Ref: APP/G5750/W/23/3329408

223 Shrewsbury Road, Forest Gate, Newham, London E7 8QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Faruk Patel (AIG RE Limited) against the decision of the Council of the London Borough of Newham.
- The application Ref is 23/00975/FUL.
- The development proposed is a change of use to a House in Multiple Occupation (HMO).

Summary Decision: The appeal is dismissed.

Preliminary Matters

1. The Enforcement Notice (Notice) alleges a breach of planning control, specifically concerning a *Sui Generis* House of Multiple Occupation (HMO). This type of HMO is defined as having more than six occupants and is commonly known as a 'large HMO'. For the purposes of these appeal decisions, I will refer to it as a large HMO hereafter. The description of development for Appeal B is a change of use to a House in Multiple Occupation. Although it does not specifically describe a large HMO, the detailed plans and supporting documents indicate seven bedrooms and occupants, which matches the characteristics of a large HMO as alleged in the Notice.
2. Based on what I saw at my visit, the layout of the property aligns with the detailed floor plans submitted in connection with Appeal B. . Therefore, I am satisfied that both the ground (a) appeal and Appeal B seek to retain the use of the property as a large HMO with seven occupants. The developments and main issues in both appeals are the same, and to avoid repetition, I have considered them together. For clarity, the plans

for Appeal B include a site location plan, a block plan, and drawing references PP/01-Elevations and PP/01-Floor Plans

3. On 24 April 2025 at 10:30, a site visit was conducted. Upon arrival, I learned that I could inspect the communal areas of the property and some private rooms; however, I was not able to access rooms 3, 5, and 7, as indicated on the plans referenced PP/01-Floor Plans. I communicated with the involved parties that despite not being able to view those three rooms, I was able to determine the appeals based on my observations and the detailed floor plans submitted with Appeal B.
4. The appellant suggested that a further visit would be beneficial to see all the rooms, but the Council did not object to my decision to proceed with the appeal based on the current information. I acknowledge the comments from both parties and recognise that it was unfortunate I could not view all the rooms during my visit. However, sufficient notice was provided before the scheduled visit and conducting another site visit would cause undue delay in the determination. As I had inspected most of the property and could rely on the detailed floor plans attached to Appeal B, I am satisfied I had sufficient evidence to inform my assessment without a further visit being necessary.
5. During the appeal process, the revised National Planning Policy Framework (the Framework) was published in December 2024. There are no substantive changes relevant to this appeal, and therefore, neither party would be prejudiced by my consideration of the 2024 version of the Framework.

Appeal A: the Ground (a) Appeal and the Deemed Planning Application, and Appeal B

6. The **main issues** are
 - Whether there is an established local need for using the property as a large HMO, having regard to planning policies that seek to protect the loss of family dwellinghouses.
 - Whether the development provides adequate accommodation for its occupants, with specific regard to the size of the rooms, its layout as well as noise and disturbance.
 - The impact of the development on the living conditions of neighbouring occupants, with specific regard to noise and disturbance.

Reasons

Local Need and Protection of Family Homes

7. The appeal site is found at 223 Shrewsbury Road, a two-storey mid-terrace property that has been extended with a small flat roof addition at the rear to accommodate a bathroom. This property is situated on a long road of similarly designed terraced properties within an inner-city location that is primarily residential in character. The nearest commercial street is to the north along Romford Road.
8. The Council's housing strategy is outlined in Policies H1, H3, H4, S1, and S6 of the Newham Local Plan 2018 (Local Plan), and supported by Policies GG4, H8 and H10 of the London Plan 2021 (London Plan). Collectively, these policies aim to secure a mix and balance of housing types, with an emphasis on increasing the quantity of family sized properties. Policy H3 states that HMOs should be purpose-built or

converted from premises that are not family-sized dwellings, adhering to the stipulations of Policies H1 and H4. Policy H4 specifically seeks to protect existing three- and four-bedroom family dwellings from being lost due to conversion. It acknowledges that conversions may be appropriate in certain circumstances—such as sites located within or near town or local centres, above commercial units, or lacking external private amenity.

9. Based on the submitted drawings and my visit, I can confirm that the property currently accommodates three bedrooms on the ground floor and four bedrooms on the first floor. It appears likely that the property was originally designed as a three- or four-bedroomed dwelling, and no evidence has been submitted to demonstrate it had been used for something else prior to the alleged breach taking place.
10. I have taken into consideration the fact that the property was vacant and in need of renovation when it was purchased. However, a residential property being vacant and in need of renovation is not uncommon and does not always mean its use has been abandoned. The abandonment of a residential use requires that the cessation of the use is significant enough to give a reasonable observer the impression that it will not be resumed. Although photographs were provided showing the property's poor internal condition, there is limited evidence about how long it had been vacant without facilities or when it was last occupied as a dwelling. In my judgment, while I acknowledge that renovations were needed, the evidence does not demonstrate that the property's prior use as a family home would not be resumed. Therefore, I have considered the previous lawful use as a single family dwelling.
11. The conversion of the property into a large HMO has resulted in the loss of a family dwelling. The property is also not purpose-built accommodation or in a location, such as in a town or local centre or above a commercial unit where the conversion to a large HMO might otherwise be accepted. I accept that there is not an overconcentration of HMOs in the area, and there is a general necessity to boost the housing supply. However, limited evidence has been presented with the appeal to demonstrate there is an unmet need for large HMOs within the area. Furthermore, I acknowledge that selling or renting a family dwelling in London is expensive, but there is limited evidence to substantiate claims that it is not possible to sell or rent the property as a family dwelling.
12. The retention of the property as a large HMO would, therefore, be contrary to the Council's housing strategy. The Local Plan remains to be the adopted plan, and the policies have been scrutinised through the examination and adoption process, meaning they have priority. While demand exists for various types of accommodation, this does not outweigh the effect the development has on the Council's overall housing strategy, which seeks to restrict the conversion of family sized homes and meet the demand of HMOs through other methods.
13. Therefore, there is no identified local need for the property to be used as an HMO, and the conversion leads to the loss of a family-sized property. The development is, therefore, contrary to Policies S1, S6, SP1, SP2, SP3, H1, H3, and H4 of the Local Plan, as well as Policies GG4, H8, and H10 of the London Plan, which seek to prevent the conversion of family homes in the area, due to its negative impact on the borough's family housing stock, and the Local Plan's objective of building sustainable mixed communities.

Living conditions of Occupants

14. The layout of the property includes two bedrooms with a corridor leading to a third bedroom, a communal kitchen and a bathroom located at the back of the property on the ground floor. The garden, or rear yard, is accessible from the kitchen, and there is also a narrow strip of enclosed outdoor space that can only be accessed directly from the third bedroom. On the first floor, there are four more bedrooms along with another bathroom.
15. Policy D6 of the London Plan establishes minimum space standards that new self-contained dwellings are required to meet. According to Policy H1 of the Local Plan, all new homes should comply with these internal space standards, or in the case of specialist housing, such as HMOs, those standards specified in Policy H3. Policy H3 states that HMO proposals must demonstrate compliance with quality standards established by Newham and Pan-London private sector rental licensing benchmark criteria. The Council refers to compliance with standards set out in the 'HMO East London Guidance (4)' (EL Guide) and Newham's 'Private Rented Property Licensing Guide for Landlords and Managing Agents' (Newham PRPL Guide).
16. The EL Guide states it is intended for HMOs located in several London Boroughs, one of which is Newham. It specifies that a double occupancy room must be at least 13 square meters (sqm), while a single occupancy room should be no less than 8.5 sqm. The Newham PRPL Guide distinguishes between HMOs with shared kitchen facilities in a separate room and those with exclusive kitchen facilities in each room. In cases where the kitchen is in a separate room, such as this, a double occupancy room must meet a minimum size of 10.2 sqm, and a single occupancy room for one person aged over 10 must measure between 6.51 and 10.21 sqm.
17. Based on the detailed plans provided, the sizes of the double and single rooms within the property comply with the standards outlined in the Newham PRPL Guide but are marginally below the EL Guide. The EL Guide, however, acknowledges that local housing conditions and policies will vary between the boroughs, and some may accept existing smaller rooms. The appellant has also submitted evidence of an HMO license for a large HMO at the property, which remains valid until December 2025¹. Consequently, despite being below the standards in the EL Guide, the development is compliant with the Newham PRPL Guide, and the Council has accepted the smaller rooms when granting consent of the HMO licence. Accordingly, in my judgement, the development is compliant with the local guidance and the private sector rental licensing standards required by Policy H3 of the Local Plan.
18. I have also considered the layout of the HMO, which the Council argues may cause noise and disturbance issues for the occupants of Room 1 due to the movements of other tenants and their visitors entering and leaving the property.
19. While it is recognised that shared living spaces can lead to some noise and movement disturbances from other tenants, it is essential to understand that these conditions are a natural part of communal living. Additionally, there is a separating door between the porch and the corridor, along with a dividing wall that physically separates the occupant's room from these areas. Furthermore, it is important to note that the shared corridor is not used frequently and is not typically a gathering area for other tenants. The separation between the room, the entrance and communal corridor helps minimise noise and disturbances caused by people coming and going from the

¹ Licence Number reference for HMO: 20/02774/HOHMOL

property, and the occasional traffic in these shared spaces also helps to keep noise and disturbances to a minimum. Therefore, in my judgement, the property's layout does not have a detrimental impact on the occupants of Room 1 concerning noise and disturbance.

20. Given the above, I find the development has adequate accommodation for its occupants, with particular regard to the size of the rooms, its layout as well as noise and disturbance. Despite the slight conflict with the EL Guide, I have identified no harm, and the development complies with the aims and objectives of Policies D4 and D6 of The London Plan as well as Policies H1, H3 and H4 of the Local Plan as well as the Newham PRPL Guide. These policies and guidance, amongst other things, seek to maintain a high standard of accommodation for new residential properties as well as HMOs.

Living Conditions of Neighbours

21. The Council argues that the development has led to an intensive use of the property, negatively impacting the neighbouring residents. They claim that, due to the occupants being unrelated, the presence of seven households has increased the number of family members, friends, and visitors to the property. This results in more comings and goings than would typically occur with a single-family unit, adversely affecting the living conditions of the neighbours through increased noise and disturbances.
22. I acknowledge that the movements of seven unrelated individuals in the property are likely to exceed those of its former use as a single dwelling. However, the Council has not provided details on the extent of movements to and from the property, making it difficult to conclude that the current level of use has resulted in an unacceptable impact on neighbour's living conditions.
23. Based on the evidence presented and my observations, the property has a mid-sized garden, appropriately sized bedrooms, and communal corridors and facilities. I also found the HMO to be well-maintained, and I have no reason to doubt that it is well managed. Additionally, despite being a residential area, Shrewsbury Road is a busy street in a densely populated urban setting, which is well trafficked by both pedestrians and vehicles. Therefore, the residential context reflects the vibrant nature of a busy London street rather than that of a quiet cul-de-sac or suburban neighbourhood
24. In this context, the use of the large, terraced property by seven individuals does not appear to represent an overly cramped or intensive use. Furthermore, I have not received any evidence with the appeal to indicate that the Council has received complaints regarding the use from the neighbours, despite its use as a large HMO for several years. On the contrary, the appellant has presented letters from neighbouring residents confirming they have not experienced any noise or disturbances from the property's use. In my judgement, the busier nature of the residential context and the large size of the property means that the more intensive use by 7 occupants has not resulted in unacceptable noise and disturbances to neighbours from the increased number of comings and goings of the occupants.
25. I have had regard to the extract of an appeal referenced in the Planning Officer Report². The Council indicates that this appeal demonstrates that their concerns over the effect of an HMO on the neighbour's living condition have been previously upheld. While I appreciate the issues are similar, I have not been provided with the full details

² Appeal Ref: APP/G5750/W/15/3137443)

of this case to compare. The appeal was in a different location, and it is likely that the circumstances of the case, and the information provided with the appeal were different to the appeal before me. As such, I have given this limited weight in my determination.

26. Accordingly, the development does not adversely impact on the living conditions of neighbouring occupants, with specific regard to noise and disturbance. The development is compliant with Policies SP8 and H3 of the Local Plan and Policies D3 and D14, which amongst other things, seek to ensure the living conditions of neighbours are protected from adverse impacts, including noise and disturbance.

Other Matters

27. The Council have outlined that the development conflicts with Policies S1, S6, SP1, SP2, and SP3 of the Local Plan as well as GG1, GG3, GG4, and D8 of the London Plan when considering the living conditions of occupants and the effects on neighbours living conditions. While these policies are relevant to the determination of an application for a large HMO, none of them include specific criteria on the quality of accommodation or the noise and disturbance experienced by occupants and neighbours. Therefore, in my judgment, the development subject to these appeals does not contradict these policies when considering these matters.
28. I have considered the level of support by neighbours, but when determining the appeal, I must ensure that the development complies with the development plan and its policies, unless material considerations indicate otherwise. In this instance, the proposal meets the requirements on living conditions for both occupants and neighbours, but this does not outweigh the significant harm that results from the development's conflict with the Council's housing strategy.
29. The appellant has noted that when properties are denied permission to operate as HMOs, they are often rented under a single tenancy and then sublet illegally. While I understand the challenges posed by illegal subletting, this does not change my conclusions on the main issues or alter the fact that the property would still operate as an HMO, which could be subject to formal enforcement action.
30. I have also had regard to the case highlighted by the appellant³, which granted consent for an HMO in August 2023. Based on the evidence submitted, it appears that it relates to a Lawful Development Certificate (LDC). An LDC assessment determines whether a proposed or existing use of land or development is lawful, and does not include considerations of material planning issues, such as neighbours' living conditions. Therefore, the case is not directly comparable to the appeals before me.

Planning Balance and Conclusions on Ground (a) and the Deemed Planning Application and Appeal B

31. The contribution that a shared HMO makes to the local housing stock is a benefit, albeit limited due to the small scale of the development. I also note that there would be some limited social and economic benefits, in terms of additional expenditure in the local economy from the occupants. However, the benefits do not outweigh the harm I have identified to the conflict with the Local Plan policies seeking to prioritise local housing needs and the stock of family-sized homes within the locality. The living conditions of the occupants are considered acceptable, and the proposal is not

³ Council reference, REF: 23/01157/CLE

harmful to neighbours, but this is the expected standard, and I do not regard this as a benefit.

32. For the reasons given above, the development conflicts with the development plan as a whole and there are no material considerations sufficient to indicate that planning permission should otherwise be granted. I conclude that Appeal A on the ground (a) should not succeed, and I shall uphold the enforcement notice.
33. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that Appeal B should be dismissed.

Appeal A on Ground (g)

34. This ground of appeal is that any period specified in the Notice falls short of what should reasonably be allowed to remedy the breach. The period for compliance with the requirements is within six months of the Notice taking effect. The appellant contends that additional time is required to allow the occupiers of the HMO sufficient time to relocate. Consequently, a period of twelve months is requested to comply with the requirements of the Notice.
35. When considering the appeal on this ground, I have had regard to the rights conveyed within the Human Rights Act (1998), which refers to the peaceful enjoyment of property and home. Having regard to the loss of the tenant's homes, and the fact that steps two and three would have to be undertaken following their departure, extending the time for compliance would be appropriate. However, extending the period of compliance to 12 months is excessive, particularly given the Notice does not require extensive internal work to remedy the breach of planning control.
36. In my judgement, a nine-month period to cease the use and carry out the remedial works and remove the waste would be acceptable. It would strike an appropriate balance between the harms resulting from the development, the tenant's human rights and allowing sufficient time to comply with the requirements of the Notice.
37. To this limited extent, Appeal A on the ground (g) succeeds, and I shall vary the terms of the Notice accordingly.

Formal Decisions

Appeal A Ref: APP/G5750/C/23/3330053

38. It is directed that the enforcement notice is varied by:

In paragraph 5, under time for compliance delete the word 'six' and substitute it with the word 'nine'

39. Subject to the variation, the appeal is dismissed, and the enforcement notice is upheld.

Appeal B Ref: APP/G5750/W/23/3329408

40. The appeal is dismissed.

M. P. Howell

INSPECTOR